

53A-8a-503 Nonrenewal or termination of a career employee's contract for unsatisfactory performance.

- (1) If a district intends to not renew a career employee's contract for unsatisfactory performance or terminate a career employee's contract during the contract term for unsatisfactory performance, the district shall:
 - (a) provide and discuss with the career employee written documentation clearly identifying the deficiencies in performance;
 - (b) provide written notice that the career employee's contract is subject to nonrenewal or termination if, upon a reevaluation of the career employee's performance, the career employee's performance is determined to be unsatisfactory;
 - (c) develop and implement a plan of assistance, in accordance with procedures and standards established by the local school board under Section 53A-8a-501, to allow the career employee an opportunity to improve performance;
 - (d) reevaluate the career employee's performance; and
 - (e) if the career employee's performance remains unsatisfactory, give notice of intent to not renew or terminate the career employee's contract in accordance with Subsection 53A-8a-502(5).
- (2)
 - (a) The period of time for implementing a plan of assistance:
 - (i) may not exceed 120 school days, except as provided under Subsection (2)(b);
 - (ii) may continue into the next school year;
 - (iii) should be sufficient to successfully complete the plan of assistance; and
 - (iv) shall begin when the career employee receives the written notice provided under Subsection (1)(b) and end when the determination is made that the career employee has successfully remediated the deficiency or notice of intent to not renew or terminate the career employee's contract is given in accordance with Subsection 53A-8a-502(5).
 - (b) In accordance with local school board policy, the period of time for implementing a plan of assistance may extend beyond 120 school days if:
 - (i) a career employee is on leave from work during the time period the plan of assistance is scheduled to be implemented; and
 - (ii)
 - (A) the leave was approved and scheduled before the written notice was provided under Subsection (1)(b); or
 - (B) the leave is specifically approved by the local school board.
- (3)
 - (a) If upon a reevaluation of the career employee's performance, the district determines the career employee's performance is satisfactory, and within a three-year period after the initial documentation of unsatisfactory performance for the same deficiency pursuant to Subsection (1)(a), the career employee's performance is determined to be unsatisfactory, the district may elect to not renew or terminate the career employee's contract.
 - (b) If a district intends to not renew or terminate a career employee's contract as provided in Subsection (3)(a), the district shall:
 - (i) provide written documentation of the career employee's deficiencies in performance; and
 - (ii) give notice of intent to not renew or terminate the career employee's contract in accordance with Subsection 53A-8a-502(5).

Enacted by Chapter 425, 2012 General Session